

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

EDWARD M. HAMPTON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 1:16-cv-00202-TWP-DKL
	)	
WENDY KNIGHT Superintendent,	)	
AARON COX T.C. Director,	)	
	)	
Respondents.	)	

**Entry Discussing Complaint and Directing Further Proceedings**

Plaintiff Edward Hampton, an inmate at the Correctional Industrial Facility, brings this action pursuant to 42 U.S.C. § 1983 alleging that the defendants have violated his First Amendment rights by requiring him to act in violation of his sincerely held religious beliefs or face punishment.

Because the plaintiff is a “prisoner” as defined by 28 U.S.C. § 1915(h), the complaint is subject to the screening requirement of 28 U.S.C. § 1915A(b). Pursuant to this statute, “[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief.” *Jones v. Bock*, 127 S. Ct. 910, 921 (2007). To survive a motion to dismiss, the complaint “must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. . . . A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (quotations omitted). Pro se complaints such as that filed by the plaintiff, are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Erickson*, 551 U.S. at 94; *Obriecht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

Based on the foregoing screening, **the plaintiff's First Amendment claims shall proceed.** Any Eighth Amendment claim alleged by the plaintiff based on the same facts is **dismissed.** *See Conyers v. Abitz*, 416 F.3d 580, 586 (7th Cir. 2005) ("Constitutional claims are to be addressed under the most applicable provision.").

The clerk is designated pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to the defendants in the manner specified by Rule 4(d). Process shall consist of the complaint, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

**IT IS SO ORDERED.**

Date: 4/14/2016



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

EDWARD M. HAMPTON  
988987  
PENDLETON - CIF  
CORRECTIONAL INDUSTRIAL FACILITY  
Inmate Mail/Parcels  
5124 West Reformatory Road  
PENDLETON, IN 46064

Wendy Knight  
Aaron Cox  
Correctional Industrial Facility  
5124 W. Reformatory Road  
Pendleton, IN 46064